

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3077
	)	
v.	)	
	)	
DAVID PAUL GORE III,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the court on its own motion. On February 6, 2012, the defendant, David Paul Gore III, filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (ECF No. 59.) I ordered the United States to file a response by March 16, 2012. (ECF No. 60.) On March 14, 2012, the United States responded to Gore’s motion by filing a brief (ECF No. 64) and an index of evidence (ECF No. 65). The index of evidence includes an affidavit signed by Denise E. Frost, who was appointed to serve as Gore’s attorney “through . . . sentencing,” (Frost Aff. ¶ 3, ECF No. 65-1), and two additional exhibits, (see Frost Aff. Exs. A-B, ECF No. 65-1).

When a party submits materials relating to a § 2255 motion that are not already a part of the record, “[t]he judge must give the party against whom the additional materials are offered an opportunity to admit or deny their correctness.” Rules Governing § 2255 Proceedings, Rule 7(c).

**IT IS THEREFORE ORDERED** that the defendant may file a reply to the United States’ brief and/or index of evidence within 21 days of the date of this memorandum and order.

Dated March 16, 2012.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge